HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO. 24239 OF 2006

Between:

P. Karunakar

..... Petitioner

AND

The State Election Commission,
Andhra Pradesh, Hyderabad & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri Kasa Jaganmohan Reddy

Counsel for respondent No.1 : Shri V.V. Prabhakar Rao

Counsel for respondent Nos. 2 to 5: Government Pleader for Panchayat Raj

Dated: 28.11.2006

Per G.S.SINGHVI, CJ

This is a petition for quashing notification dated 15.11.2006 issued by Andhra Pradesh State Election Commission for holding elections to the Gram Panchayats of Kalasapadu Mandal, kadapa District.

The main grievance of the petitioner is that even though as per the population of the villages, at least two posts of the Sarpanchas of the Gram Panchayats should have been reserved for Scheduled Castes, the concerned authorities arbitrarily reserved one post and the other post has been earmarked for general category.

Shri Kasa Jaganmohan Reddy, learned counsel for the petitioner invited our attention to proceedings dated 17.11.2006 issued by District Collector, Kadapa to show that as per the correct calculation, two posts of Sarpanchas of the Gram Panchayats of Kalasapadu Mandal are required to be reserved for Scheduled Castes including the one for Scheduled Caste (women), but the concerned authorities and State Election Commission have not taken corrective measures.

We have considered the submission of the learned counsel. Although, we are inclined to agree with the learned counsel that in view of the facts found by the District Collector, the State Election Commission should suo motu take corrective measures, it is not

possible to issue writ in terms of the prayer made by the petitioner because, as per proceedings dated 17.11.2006, the second post is to be reserved for Scheduled Caste (Women) and the petitioner is not eligible to contest election for that post.

With the above observation, the writ petition is disposed of.

We hope and trust that the State Election Commission will take serious note of the apparent incorrect exercise undertaken by the district authorities to determine the number of reserved seats and pass appropriate order so as to avoid further litigation. We also make it clear that if immediate corrective measures are not taken by the State Election Commission, it will be open to any woman belonging to Scheduled Castes category to seek intervention of the Court.

As a sequel to disposal of the writ petition, W.P.M.P.Nos. 30956, 31603 and 31699 of 2006 filed by the petitioner for interim relief are disposed of as infructuous.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

Note:
The Court Officer is directed
to give attested copy of this
order to Shri V.V. Prabhakar Rao
so as to enable him to give proper
advice to the State Election Commission.

ksld
28.11.2006